

PART of
paper #8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Anastasios Melis et al

Atty Dkt. No. NREL #99-29

Serial No. : 09/748,690

Filing Date: 12/22/00

Group Art: 1651

Examiner: V. Afremova

Title: HYDROGEN PRODUCTION USING
HYDROGENASE-CONTAINING
OXYGENIC PHOTOSYNTHETIC
ORGANISMS

RECEIVED
NOV - 7 2002
TECH CENTER 1800/2000

AFFIDAVIT SWEARING BACK OF REFERENCE UNDER 37 CFR §1.131

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

AFFIDAVIT

Anastasios Melis, Liping Zhang, John R. Benemann, Maria Ghirardi, Michael Seibert and
Marc Forestier being duly sworn depose and say:

that they are the inventors who, on Dec. 22, 2000, filed the above-identified application;
that they completed their invention, having made and disclosed the same to others, in this
country prior to the Proceedings of the 1999 U.S. DOE Hydrogen Program Review of Anastasios
Melis, et al. and prior to the publication date of SUSTAINED PHOTOBIOLOGICAL
HYDROGEN GAS PRODUCTION UPON REVERSIBLE INACTIVATION OF OXYGEN
EVOLUTION IN THE GREEN ALGA, *Chlamydomonas reinhardtii*;

that prior to 1999, they conducted the research that matured into this application, and a
photo-static copy of this research is attached hereto;

that they do not know and do not believe that the invention has been in public use or on sale in this country, or patented or described in a printed publication in this or any foreign country for more than one year prior to their application date, and they have never abandoned this invention.

Richard Malkin

Witness RICHARD MALKIN

Anastasio Melis

Anastasios Melis

29.0ct.02

Date

Witness_____
Liping Zhang_____
Date_____
Witness_____
John R. Benemann_____
Date_____
Witness_____
Maria Ghirardi_____
Date_____
Witness_____
Michael Seibert_____
Date_____
Witness_____
Marc Forestier_____
Date

that they do not know and do not believe that the invention has been in public use or on sale in this country, or patented or described in a printed publication in this or any foreign country for more than one year prior to their application date, and they have never abandoned this invention.

Witness

Brenda Brantley
Witness

Anastasios Melis

Liping Zhang
Liping Zhang

Date

Oct. 25, 2002
Date

Witness

Brenda Brantley
Witness

John R. Benemann

M. Ghirardi
Maria Ghirardi

Date

Oct 25, 2002
Date

Brenda Brantley
Witness

Michael Seibert
Michael Seibert

Oct. 25, 2002
Date

Witness

Marc Forestier

Date

that they do not know and do not believe that the invention has been in public use or on sale in this country, or patented or described in a printed publication in this or any foreign country for more than one year prior to their application date, and they have never abandoned this invention.

Witness

Anastasios Melis

Date

Witness

Liping Zhang

Date

Witness

John R. Benemann

Date

Witness

Maria Ghirardi

Date

Witness

Michael Seibert

Date

Witness

M. Forestier

Marc Forestier

10/28/02

Date

Dr. Friedrich Jüttner

Witness

Friedrich Jüttner

10/28/02

that they do not know and do not believe that the invention has been in public use or on sale in this country, or patented or described in a printed publication in this or any foreign country for more than one year prior to their application date, and they have never abandoned this invention.

Witness

Anastasios Melis

Date

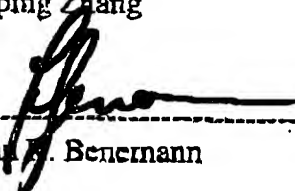
Witness

Liping Zhang

Date



Witness



John H. Benemann



Date

Witness

Maria Ghirardi

Date

Witness

Michael Seibert

Date

Witness

Marc Forestier

Date